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VIA ECF

The Honorable Nicholas G. Garaufis
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York, 11201

Re: **State of New York et al. v. Trump et al. No. 17-cv-5228 (NGG) (JO)**
Batalla Vidal, et al. v. Kirstjen Nielsen, et al., No. 16-CV-4756 (NGG) (JO)

Dear Judge Garaufis:

We represent eighteen distinguished American institutions of higher education in connection with the above-captioned matter: Brown University, California Institute of Technology, Columbia University, Cornell University, Dartmouth College, Duke University, Emory University, Georgetown University, George Washington University, Harvard University, Massachusetts Institute of Technology, Northwestern University, Stanford University, University of Chicago, the University of Pennsylvania, Vanderbilt University, Washington University in St. Louis, and Yale University. We are writing the court to request permission to file an *amicus* brief in support of Plaintiffs' motion for preliminary injunction.

"A district court has broad discretion to grant or deny an appearance as *amicus curiae* in a given case." *Andersen v. Leavitt*, 2007 WL 2343672, at *2 (E.D.N.Y. Aug. 13, 2007). "The usual rationale for *amicus curiae* submissions is that they are of aid to the court and offer insights not available from the parties." *Auto. Club of New York, Inc. v. Port Auth. of New York & New Jersey*, 2011 WL 5865296, at *1 (S.D.N.Y. Nov. 22, 2011).

Proposed *amici* are eighteen institutions of higher learning. Though important differences exist between them, *amici* share a common mission to educate the next generation of leaders with the talent, creativity and drive to solve society's most pressing problems. In furtherance of that objective, *amici* have admitted undocumented students who benefitted from the protections and opportunities provided by the Deferred Action for Childhood Arrival ("DACA") program. Like their classmates, the DACA students on *amicus*'s campuses make enormous contributions to our campuses and our country.

The universities that are signatories to this brief have an interest in each of their undocumented students' welfare and ability to obtain a full and complete higher education. *Amici* also have an interest in ensuring that when these students graduate, they are able to put their education to its



highest use. The Department of Homeland Security September 5, 2017 Memorandum jeopardizes *amici's* interests by forcing their students and graduates to make the impossible choice between withdrawing to the margins of our society or returning to countries that many of them have never known. Whatever they choose, their gifts and education will be lost to this nation.

Plaintiffs' and Defendants' counsel have consented to the filing of this *amicus* brief.

For the foregoing reasons, *amici* respectfully request the Court's permission to file the attached *Amicus* Brief, a copy of which accompanies this Motion as Exhibit A.

Sincerely,

/s/ Stuart Sarnoff

Stuart Sarnoff
O'MELVENY & MYERS LLP